IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 16TH AUGUST 2006 / 25TH SRAVANA 1928

Bail Appl..No. 4699 of 2006

CRIME NO. 568/2005 OF KADKKAL POLICE STATION

PETITIONER/1ST ACCUSED:

ANSARI, S/O. IBRAHIMKUTTY,
CHARUVILA PUTHEN VEEDU, MANJAPPARA P.O.,
AYUR.

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB-INSPECTOR OF POLICE,
KADAKKAL POLICE STATION, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4699/2006

DATED THIS THE 16TH DAY OF AUGUST, 2006

O R D E R

The petitioner is suspected of the offence punishable under Sections 380, 457 and 461 IPC, in crime No.568/2005 of Kadakkal Police Station. It is alleged that there was quarrel between the defacto complainant and the petitioner. On 13.12.2005 at 9.30 p.m., the petitioner left the place saying that he would teach the defacto complainant a lesson. Thereafter, on the same night, the theft was committed in the house of the defacto complainant, wherein the defacto complainant lost five sovereigns of gold ornaments and an amount of Rs.1,465/-.

2. The learned counsel for the petitioner submitted that the petitioner had been questioned on number of occasions and very frequently, the police personnel from the Kadakkal Police Station, searched the residence of the petitioner and there is an apprehension in the mind of the petitioner, that he may be arrested. The learned Public Prosecutor submitted that the investigation

is in progress. The occurrence took place on 13.12.2005.

3. In such circumstances, I direct the petitioner to report before the Investigating Officer, on 22.8.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner. If the petitioner is arrested in connection with the crime, he shall be released on bail, on he executing a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

4. However, during the interrogation or in the further investigation, if the Investigating Officer finds that the custodial interrogation of the petitioner is necessary, he may move an application before the Court below and in which event, the learned Magistrate shall consider the prayer of the prosecution and pass orders, accordingly.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs